

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

WILLIAM B. O'NEAL,)	CASE NO. 1:09CV1751
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
vs.)	<u>ORDER</u>
)	
MAGGIE BRADSHAW, WARDEN,)	
)	
Respondent.)	

CHRISTOPHER A. BOYKO, J.:

On July 28, 2009, Petitioner filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (ECF DKT #1). The case was referred to Magistrate Judge Nancy A. Vecchiarelli pursuant to Local Rule 72.2. On December 21, 2009, the Magistrate Judge recommended that Petitioner's Motion (ECF DKT #4) for Stay and Abeyance be denied. Further, the Magistrate Judge recommended that Petitioner be required to elect whether (1) to dismiss his Petition as a mixed petition, and exhaust his state claims, or (2) to withdraw his unexhausted claims.

Fed. R. Civ. P. 72(b) provides that objections to a Report and Recommendation must be filed within fourteen (14) days after service; but Petitioner has failed to timely file any

such objections. Therefore, the Court must assume that Petitioner is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Services*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

Therefore, Magistrate Judge Vecchiarelli's Report and Recommendation is ADOPTED; Petitioner's Motion for Stay and Abeyance is DENIED; Petitioner SHALL MAKE HIS ELECTION whether (1) to dismiss his Petition as a mixed petition and exhaust his state claims or (2) to withdraw his unexhausted claims within TWENTY-ONE DAYS of this Order, i.e., on or before FEBRUARY 24, 2010; and Petitioner's Motion (ECF DKT #15) for Extension of Time to File Traverse is DENIED AT THIS TIME.

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

DATE:2/2/2010

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge